

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

STEVEN J. KOZUSKO, DAVID JOHNSON, SCOTT A.
MUSTOVICH, FRANKLIN T. KEY, JOSEPH W. SEIFERT,
DALLAS SCOTT, JAMES K. BRYAN, ADAM W. DUERMIT,
MICHAEL L. STONE, MICHAEL C. SHIFFLET, MICHAEL L.
HOYLE, KENNETH W. WILMONT, THOMAS J. BECK,
MITCHELL L. HARVEY, AARON M. BROWN, JASON A.
THEVENIN, CHRISTOPHER M. ADAMS, TIMOTHY J.
WEBER, JAMES S. KNIPP, DEREK L. CRUSIE, AMANDA
PATRICK, DONALD C. SPEAKS, JR., JUSTIN E. LUNSFORD,
WILLIAM M. SHEETS, DANIEL F. CLARKE, WILLIAM M.
STAFFORD, JOSEPH M. TRIPLETT, DAVID B. JOHNSON,
THOMAS B. WILLIAMS, ANDREW S. STARNER, JOHN
KASTELEC, JOHN W. BRADLEY, RYAN HILLERICH,
BRIAN R. ANGUS, KAVIN E. HARRISON, TIFFANY R.
STEWART, DOUGLAS R. CLAYTON, NICHOLAS A.
BRIERLEY, BARBARA J. PEREYEA, GREGORY L. ORLETT,
MATTHEW F. MAHONEY, JOSEPH C. JARRELLS, DRAKE
ALLEN, ANTHONY J. FUNKE, JUSTIN D. WYATT, JOSHUA
L. FOGLEMAN, ROBERT T. STAMPER, JEFFREY L. PAGE,
TIMOTHY JENKS, DARREN W. EDWARDS, RONALD R.
LITTON, TIMOTHY R. WOOD, WESLEY A. LOWE, SHAUN
P. O'MARA, STEPHEN MOFFETT, JOSHUA G. VANCE,
ANDRE L. THOMAS, LAWRENCE VANKANNEL,
MATTHEW D. HINES, CHRISTOPHER JONES, WILLIAM D.
PATRICK, JOE J. VENABLE, BRANDON L. PINSON,
WILLIAM ARNOLD, DAVID B. CLARK, JOHN D. GILBERT,
BRIAN W. DRAMAN, CRAIG W. ASBURY, MARION S.
ROBERTS, MICHAEL D. MALONE, KEVIN D. MYRICK,
JAMES D. WRIGHT, MARCUS L. SEWELL, ZACHARY T.
ADAMS, CHRISTOPHER R. TAYLOR, DANIEL MILLER,
CHRISTOPHER FREY, JOSEPH LIWAK, and BRUCE
McMANUS,

Plaintiffs,

v.

TIRE DISCOUNTERS, INC.,

Defendant.

Case No. 2:18-CV-86

COMPLAINT
JURY DEMANDED

Plaintiffs Steven J. Kozusko, David Johnson, Scott A. Mustovich, Franklin T. Key, Joseph W. Seifert, Dallas Scott, James K. Bryan, Adam W. Duermit, Michael L. Stone, Michael C. Shifflet, Michael L. Hoyle, Kenneth W. Wilmont, Thomas J. Beck, Mitchell L. Harvey, Aaron M. Brown, Jason A. Thevenin, Christopher M. Adams, Timothy J. Weber, James S. Knipp, Derex L. Crusie, Amanda Patrick, Donald C. Speaks, Jr., Justin E. Lunsford, William M. Sheets, Daniel F. Clarke, William M. Stafford, Joseph M. Triplett, David B. Johnson, Thomas B. Williams, Andrew S. Starner, John Kastelec, John W. Bradley, Ryan Hillerich, Brian R. Angus, Kavin E. Harrison, Tiffany R. Stewart, Douglas R. Clayton, Nicholas A. Brierley, Barbara J. Peryea, Gregory L. Orlett, Matthew F. Mahoney, Joseph C. Jarrells, Drake Allen, Anthony J. Funke, Justin D. Wyatt, Joshua L. Fogleman, Robert T. Stamper, Jeffrey L. Page, Timothy Jenks, Darren W. Edwards, Ronald R. Litton, Timothy R. Wood, Wesley A. Lowe, Shaun P. O'Mara, Stephen Moffett, Joshua G. Vance, Andre L. Thomas, Lawrence Vankannel, Matthew D. Hines, Christopher Jones, William D. Patrick, Joe J. Venable, Brandon L. Pinson, William Arnold, David B. Clark, John D. Gilbert, Brian W. Draman, Craig W. Asbury, Marion S. Roberts, Michael D. Malone, Kevin D. Myrick, James D. Wright, Marcus L. Sewell, Zachary T. Adams, Christopher R. Taylor, Daniel Miller, Christopher Frey, Joseph Liwak, and Bruce McManus (collectively, "Plaintiffs"), through their attorneys, for their Complaint against Defendant Tire Discounters, Inc. ("Defendant" or "Tire Discounters") allege as follows:

NATURE OF THE ACTION

1. Plaintiffs bring this action under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 201 *et seq.* ("FLSA"). Tire Discounters violated the FLSA by failing to pay Plaintiffs, who worked for Tire Discounters as overtime exempt-classified Store Managers ("SMs"), overtime premium compensation for hours worked over 40 in a single workweek.

2. Additionally, Plaintiffs Steven J. Kozusko, David Johnson, Scott A. Mustovich, Franklin T. Key, Joseph W. Seifert, Adam W. Duermit, Michael L. Stone, Michael C. Shifflet, Michael L. Hoyle, Thomas J. Beck, Mitchell L. Harvey, Aaron M. Brown, Jason A. Thevenin, Christopher M. Adams, Timothy J. Weber, James S. Knipp, Derex L. Crusie, William M. Sheets,

Daniel F. Clarke, Joseph M. Triplett, Thomas B. Williams, Andrew S. Starner, Brian R. Angus, Kavin E. Harrison, Tiffany R. Stewart, Douglas R. Clayton, Nicholas A. Brierley, Barbara J. Peryea, Gregory L. Orlett, Matthew F. Mahoney, Joseph C. Jarrells, Drake Allen, Justin D. Wyatt, Robert T. Stamper, Jeffrey L. Page, Timothy R. Wood, Shaun P. O'Mara, Lawrence Vankannel, Joe J. Venable, Brandon L. Pinson, William Arnold, John D. Gilbert, Brian W. Draman, James D. Wright, Daniel Miller, Christopher Frey, and Bruce McManus (collectively, "Ohio Plaintiffs") bring this action to remedy violations of the Ohio Wage and Hour Laws, including the Ohio Minimum Wage Act, O.R.C. § 4111.01 *et seq.* ("OMWA"). Tire Discounters violated the OMWA by failing to pay its SMs for all hours worked, failing to pay SMs overtime on a timely basis, and failing to pay SMs the legally required amount of overtime compensation in an amount required by law for all hours worked over 40 in a workweek. Ohio Plaintiffs are entitled to unpaid wages from Tire Discounters for all hours worked by them as well as unpaid overtime wages for hours worked above 40 in a workweek, and are also entitled to liquidated damages pursuant to the OMWA, as well as their costs and reasonable attorney's fees under O.R.C. § 4111.14(H)-(K).

3. Tire Discounters, an Ohio-based corporation with headquarters in Cincinnati, Ohio, is one of the fastest-growing tire chains in the Midwest, providing automotive maintenance and repair to customers at over 100 locations in Ohio, Kentucky, Indiana, and Tennessee. As of November 2015, Tire Discounters' annual revenue is estimated at approximately \$67 million.

4. Pursuant to corporate policy, Tire Discounters classified its SMs as exempt from overtime pay requirements even though, and in contravention of the FLSA, Plaintiffs primarily perform duties that are non-exempt in nature, including: serving customers; answering customer inquiries; performing routine automotive maintenance and repair; selling products; answering phones; processing customer orders and payments; operating the register; and other general, customer service duties.

5. Plaintiffs seek: (i) unpaid wages for all hours worked including those above 40 in a workweek, as required by law, (ii) liquidated damages and/or prejudgment interest, and (iii) attorney's fees and litigation expenses.

THE PARTIES

Plaintiff Steven J. Kozusko

1. Steven J. Kozusko ("Kozusko") resides in Frazeesburg, Ohio (Muskingum County). Kozusko worked as a SM at a Tire Discounters location in Reynoldsburg, Ohio (Licking County) from approximately February 2015 until June 2016.

2. Kozusko regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

3. Pursuant to Tire Discounters' policy, pattern or practice, Kozusko was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff David Johnson

4. David Johnson ("Johnson") resides in Hamilton, Ohio (Butler County). Johnson worked at Tire Discounters from approximately May 2011 to April 2013. Johnson worked as a SM at Tire Discounters locations in Cincinnati, Ohio (Hamilton County) from approximately April 2012 until April 2013.

5. Johnson regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

6. Pursuant to Tire Discounters' policy, pattern or practice, Johnson was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Scott A. Mustovich

7. Scott A. Mustovich ("Mustovich") resides in Kettering, Ohio (Montgomery County). Mustovich worked at Tire Discounters from approximately May 2002 until October 2017. Mustovich worked as a SM at a Tire Discounters location in Beavercreek, Ohio

(Greene County) from approximately 2010 until 2011. Mustovich worked as a SM at a Tire Discounters location in Sugargreek, Ohio (Tuscarawas County) from approximately January 2013 until October 2016.

8. Mustovich regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

9. Pursuant to Tire Discounters' policy, pattern or practice, Mustovich was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Franklin T. Key

10. Franklin T. Key ("Key") resides in Versailles, Ohio (Darke County). Key worked as a SM at a Tire Discounters location in Lexington, Kentucky (Fayette County) from approximately October 2013 until August 2014.

11. Key regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

12. Pursuant to Tire Discounters' policy, pattern or practice, Key was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Joseph W. Seifert

13. Joseph W. Seifert ("Seifert") resides in Cincinnati, Ohio (Hamilton County). Seifert has worked at Tire Discounters from approximately November 2010 until present. From approximately May 2011 until present, Seifert has worked as a SM at a Tire Discounters location in Cincinnati, Ohio (Hamilton County).

14. Seifert regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

15. Pursuant to Tire Discounters' policy, pattern or practice, Seifert was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Dallas Scott

16. Dallas Scott (“Scott”) resides in Lexington, Kentucky (Fayette County). Scott worked as a SM primarily at a Tire Discounters location in Lexington, Kentucky (Fayette County) from approximately February 2014 until December 2014.

17. Scott regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

18. Pursuant to Tire Discounters’ policy, pattern or practice, Scott was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff James K. Bryan

19. James K. Bryan (“Bryan”) resides in Louisville, Kentucky (Jefferson County). Bryan worked as a SM at two Tire Discounters locations in Louisville, Kentucky from approximately January 2013 until January 2014.

20. Bryan regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

21. Pursuant to Tire Discounters’ policy, pattern or practice, Bryan was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Adam W. Duermit

22. Adam W. Duermit (“Duermit”) resides in Loveland, Ohio (Hamilton County). Duermit worked at Tire Discounters from approximately January 2014 until August 2016. Duermit worked as a SM at a Tire Discounters location in Sharonville, Ohio (Butler County) from approximately May 2014 until March 2015. Duermit worked as a SM at a Tire Discounters location in Milford, Ohio (Hamilton County) from approximately March 2015 until August 2016.

23. Duermit regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

24. Pursuant to Tire Discounters' policy, pattern or practice, Duermit was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Michael L. Stone

25. Michael L. Stone ("Stone") resides in Grove City, Ohio (Franklin County). Stone worked as a SM at several Tire Discounters locations in Columbus, Ohio (Franklin County) from approximately October 2011 until September 2013.

26. Stone regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

27. Pursuant to Tire Discounters' policy, pattern or practice, Stone was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Michael C. Shifflet

28. Michael C. Shifflet ("Shifflet") resides in Columbus, Ohio (Franklin County). Shifflet as a SM at Tire Discounters locations in Grove City, Ohio (Franklin County) from approximately 2012 until 2013, and Polaris, Ohio (Franklin County) from approximately 2013 until 2014.

29. Shifflet regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

30. Pursuant to Tire Discounters' policy, pattern or practice, Shifflet was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Michael L. Hoyle

31. Michael L. Hoyle ("Hoyle") resides in Granville, Ohio (Licking County). Hoyle worked as a SM at two Tire Discounters locations in Reynoldsburg, Ohio (Licking and Franklin Counties) from approximately May 2014 until November 2014.

32. Hoyle regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

33. Pursuant to Tire Discounters' policy, pattern or practice, Hoyle was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Kenneth W. Wilmont

34. Kenneth W. Wilmont ("Wilmont") resides in Louisville, Kentucky (Jefferson County). Wilmont worked as a SM at a Tire Discounters location in Louisville, Kentucky (Jefferson County) from approximately September 2011 until April 2013.

35. Wilmont regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

36. Pursuant to Tire Discounters' policy, pattern or practice, Wilmont was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Thomas J. Beck

37. Thomas J. Beck ("Beck") resides in Batavia, Ohio (Clermont County). Beck worked as a SM at Tire Discounters location in Batavia, Ohio (Clermont County) from approximately June 2011 until October 2016.

38. Beck regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

39. Pursuant to Tire Discounters' policy, pattern or practice, Beck was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Mitchell L. Harvey

40. Mitchell L. Harvey ("Harvey") resides in Cincinnati, Ohio (Hamilton County). Harvey worked as a SM at a Tire Discounters location in Cincinnati, Ohio (Hamilton County) from approximately February 2011 until March 2015.

41. Harvey regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

42. Pursuant to Tire Discounters' policy, pattern or practice, Harvey was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Aaron M. Brown

43. Aaron M. Brown ("Brown") resides in Cincinnati, Ohio (Hamilton County). Brown worked as a SM at a Tire Discounters location in Cincinnati, Ohio (Hamilton County) from approximately January 2010 until November 2015.

44. Brown regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

45. Pursuant to Tire Discounters' policy, pattern or practice, Brown was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Jason A. Thevenin

46. Jason A. Thevenin ("Thevenin") resides in Columbus, Ohio (Franklin County). Thevenin worked as a SM at a Tire Discounters location in Columbus, Ohio (Franklin County) from approximately January 2013 until December 2014.

47. Thevenin regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

48. Pursuant to Tire Discounters' policy, pattern or practice, Thevenin was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Christopher M. Adams

49. Christopher M. Adams ("Adams") resides in New Albany, Ohio (Franklin County). Adams worked as a SM at a Tire Discounters location in Columbus, Ohio (Franklin County) from approximately October 2013 until January 2014.

50. Adams regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

51. Pursuant to Tire Discounters' policy, pattern or practice, Adams was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Timothy J. Weber

52. Timothy J. Weber ("Weber") resides in Columbus, Ohio (Franklin County). Weber worked as a SM at a Tire Discounters location in Columbus, Ohio (Franklin County) from approximately August 2012 until July 2013.

53. Weber regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

54. Pursuant to Tire Discounters' policy, pattern or practice, Weber was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff James S. Knipp

55. James S. Knipp ("Knipp") resides in Huber Heights, Ohio (Montgomery County). Knipp worked at Tire Discounters from approximately November 2014 until October 2016. Knipp worked as a SM at a Tire Discounters location in Huber Heights, Ohio (Montgomery County) from approximately November 2014 until January 2016. Knipp worked as a SM at a Tire Discounters location in Lebanon, Ohio (Warren County) from approximately March 2016 until October 2016.

56. Knipp regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

57. Pursuant to Tire Discounters' policy, pattern or practice, Knipp was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Derex L. Crusie

58. Derex L. Crusie (“Crusie”) resides in Greenfield, Ohio (Highland County). Crusie worked as a SM at a Tire Discounters location in Wilmington, Ohio (Clinton County) from approximately September 2014 until March 2015.

59. Crusie regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

60. Pursuant to Tire Discounters’ policy, pattern or practice, Crusie was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Amanda Patrick

61. Amanda Patrick (“Patrick”) resides in Lexington, Kentucky (Fayette County). Patrick worked as a SM at a Tire Discounters location in Richmond, Kentucky (Madison County) from approximately May 2014 until September 2015 and from approximately May 2016 until October 2016.

62. Patrick regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

63. Pursuant to Tire Discounters’ policy, pattern or practice, Patrick was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Donald C. Speakes, Jr.

64. Donald C. Speakes, Jr. (“Speakes”) resides in Walton, Kentucky (Boone County). Speakes has worked at Tire Discounters from approximately July 2001 until May 2015. Speakes worked as a SM at a Tire Discounters location in Florence, Kentucky (Boone County) from approximately 2001 until 2011 and approximately 2014 until May 2015. Speakes worked as a SM at a Tire Discounters location in Walton, Kentucky (Boone County) from approximately 2011 until 2012 and 2013 until 2014. Speakes worked as a SM at a Tire Discounters location in Dry Ridge, Kentucky (Grant County) location from approximately 2012 until 2013.

65. Speakes regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

66. Pursuant to Tire Discounters' policy, pattern or practice, Speakes was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Justin E. Lunsford

67. Justin E. Lunsford ("Lunsford") resides in Florence, Kentucky (Boone County). Lunsford worked at Tire Discounters from approximately June 2012 until October 2014. Lunsford worked as a SM at a Tire Discounters location in Florence, Kentucky (Boone County) from approximately June 2012 until June 2013. Lunsford worked as a SM at Tire Discounters location in Fort Wright, Kentucky (Kenton County) from approximately June 2013 until October 2014.

68. Lunsford regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

69. Pursuant to Tire Discounters' policy, pattern or practice, Lunsford was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff William M. Sheets

70. William M. Sheets ("Sheets") resides in Pataskala, Ohio (Licking County). Sheets worked as a SM at a Tire Discounters location in Columbus, Ohio (Franklin County) from approximately May 2013 until November 2013.

71. Sheets regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

72. Pursuant to Tire Discounters' policy, pattern or practice, Sheets was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Daniel F. Clarke

73. Daniel F. Clarke (“Clarke”) resides in Liberty Township, Ohio (Butler County). Clarke worked as a SM at a Tire Discounters location in Cincinnati, Ohio (Hamilton County) from approximately November 2015 until April 2016.

74. Clarke regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

75. Pursuant to Tire Discounters’ policy, pattern or practice, Clarke was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff William M. Stafford

76. William M. Stafford (“Stafford”) resides in White House, Tennessee (Sumner County). Stafford worked as a SM at Tire Discounters locations in Henderson, Tennessee (Chester County) and Mt. Juliet, Tennessee (Wilson County) from approximately December 2014 until April 2015.

77. Stafford regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

78. Pursuant to Tire Discounters’ policy, pattern or practice, Stafford was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Joseph M. Triplett,

79. Joseph M. Triplett, (“Triplett”) resides in Cincinnati, Ohio (Hamilton County). Triplett worked as a SM at a Tire Discounters location in Hamilton, Ohio (Butler County) from approximately September 2012 until February 2014.

80. Triplett regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

81. Pursuant to Tire Discounters’ policy, pattern or practice, Triplett was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff David B. Johnson

82. David B. Johnson resides in Hebron, Kentucky (Boone County). David B. Johnson worked as a SM at a Tire Discounters location in Hebron, Kentucky (Boone County) from approximately November 2014 until October 2015.

83. David B. Johnson regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

84. Pursuant to Tire Discounters' policy, pattern or practice, David B. Johnson was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Thomas B. Williams

85. Thomas B. Williams ("Williams") resides in Mt. Orab, Ohio (Brown County). Williams worked as a SM at a Tire Discounters location in Mt. Orab, Ohio (Brown County) from approximately April 2014 until May 2014, at a Tire Discounters location in Cincinnati, Ohio (Hamilton County) from approximately May 2014 until November 2014, and a Tire Discounters location in Hillsboro, Ohio (Highland County) from approximately November 2014 until May 2015.

86. Williams regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

87. Pursuant to Tire Discounters' policy, pattern or practice, Williams was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Andrew S. Starner

88. Andrew S. Starner ("Starner") resides in Reynoldsburg, Ohio (Licking County). Starner worked as a SM at two Tire Discounters locations in Reynoldsburg, Ohio (Licking County) from approximately September 2014 until July 2015.

89. Starner regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

90. Pursuant to Tire Discounters' policy, pattern or practice, Starnier was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff John Kastelec

91. John Kastelec ("Kastelec") resides in Louisville, Kentucky (Jefferson County). Kastelec worked as a SM at a Tire Discounters location in Louisville, Kentucky (Jefferson County) from approximately October 2012 until February 2015.

92. Kastelec regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

93. Pursuant to Tire Discounters' policy, pattern or practice, Kastelec was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff John W. Bradley

94. John W. Bradley ("Bradley") resides in Louisville, Kentucky (Jefferson County). Bradley worked as a SM at a Tire Discounters location in Louisville, Kentucky (Jefferson County) from approximately October 2013 until April 2014.

95. Bradley regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

96. Pursuant to Tire Discounters' policy, pattern or practice, Bradley was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Ryan Hillerich

97. Ryan Hillerich ("Hillerich") resides in Louisville, Kentucky (Jefferson County). Hillerich worked as a SM at a Tire Discounters location in Louisville, Kentucky (Jefferson County) from approximately May 2013 until May 2014.

98. Hillerich regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

99. Pursuant to Tire Discounters' policy, pattern or practice, Hillerich was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Brian R. Angus

100. Brian R. Angus ("Angus") resides in Chillicothe, Ohio (Ross County). Angus was employed by Tire Discounters from June 2007 until March 2014. Angus worked as a SM at Tire Discounters locations in Chillicothe, Ohio (Ross County), Washington Courthouse, Ohio (Fayette County), and Cincinnati, Ohio (Hamilton County) from approximately 2012 through 2014.

101. Angus regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

102. Pursuant to Tire Discounters' policy, pattern or practice, Angus was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Kevin E. Harrison

103. Kevin E. Harrison ("Harrison") resides in Cincinnati, Ohio (Hamilton County). Harrison worked as a SM at a Tire Discounters location in Ohio from approximately January 2012 until March 2014.

104. Harrison regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

105. Pursuant to Tire Discounters' policy, pattern or practice, Harrison was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Tiffany R. Stewart

106. Tiffany R. Stewart ("Stewart") resides in Reynoldsburg, Ohio (Licking County). Stewart worked as a SM at a Tire Discounters location in Reynoldsburg, Ohio (Licking County) from approximately September 2014 until July 2015.

107. Stewart regularly worked over 40 hours in a workweek for Tire Discounters' benefit during her employment as a SM.

108. Pursuant to Tire Discounters' policy, pattern or practice, Stewart was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Douglas R. Clayton

109. Douglas R. Clayton ("Clayton") resides in Canal Winchester, Ohio (Fairfield County). Clayton worked as a SM at a Tire Discounters location in Reynoldsburg, Ohio (Licking County) from approximately 2011 until 2013.

110. Clayton regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

111. Pursuant to Tire Discounters' policy, pattern or practice, Clayton was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Nicholas A. Brierley

112. Nicholas A. Brierley ("Brierley") resides in Johnstown, Ohio (Licking County). Brierley worked as a SM at a Tire Discounters location in Reynoldsburg, Ohio (Licking County) from approximately March 2013 until October 2015.

113. Brierley regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

114. Pursuant to Tire Discounters' policy, pattern or practice, Brierley was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Barbara J. Peryea

115. Barbara J. Peryea ("Peryea") resides in Malone, New York (Franklin County). Peryea worked as a SM at a Tire Discounters location in Cincinnati, Ohio (Hamilton County) from approximately September 2014 until March 2015.

116. Peryea regularly worked over 40 hours in a workweek for Tire Discounters' benefit during her employment as a SM.

117. Pursuant to Tire Discounters' policy, pattern or practice, Peryea was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Gregory L. Orlett

118. Gregory L. Orlett ("Orlett") resides in Fairfield, Ohio (Fairfield County). Orlett worked as a SM at three Tire Discounters locations in Cincinnati, Ohio (Hamilton County) from approximately June 2014 until July 2015.

119. Orlett regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

120. Pursuant to Tire Discounters' policy, pattern or practice, Orlett was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Matthew F. Mahoney

121. Matthew F. Mahoney ("Mahoney") resides in Sunbury, Ohio (Delaware County). Harrison worked as a SM from approximately January 2012 until November 2014 at two Tire Discounters locations in Columbus, Ohio (Franklin County) and one Tire Discounters location in Groves City, Ohio.

122. Harrison regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

123. Pursuant to Tire Discounters' policy, pattern or practice, Harrison was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Joseph C. Jarrells

124. Joseph C. Jarrells (“Jarrells”) resides in Arlington, Washington (Snohomish County). Jarrells worked as a SM at a Tire Discounters location in Cincinnati, Ohio (Hamilton County) from approximately September 2014 until October 2014.

125. Jarrells regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

126. Pursuant to Tire Discounters’ policy, pattern or practice, Jarrells was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Drake Allen

127. Drake Allen (“Allen”) resides in Milton, Florida (Santa Rose County). Allen worked as a SM at a Tire Discounters location in Cincinnati, Ohio (Hamilton County) from approximately September 2015 until April 2016.

128. Allen regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

129. Pursuant to Tire Discounters’ policy, pattern or practice, Allen was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Anthony J. Funke

134. Anthony J. Funke (“Funke”) resides in Loveland, Ohio (Hamilton County). Funke worked as a SM at a Tire Discounter locations in Newport, Kentucky (Campbell County) from approximately June 2015 through January 2016.

135. Funke regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

136. Pursuant to Tire Discounters’ policy, pattern or practice, Funke was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Justin D. Wyatt

137. Justin D. Wyatt (“Wyatt”) resides in Troy, Ohio (Miami County). Wyatt worked as a SM at a Tire Discounters location in Troy, Ohio (Miami County) from approximately October 2012 through August 2014.

138. Wyatt regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

139. Pursuant to Tire Discounters’ policy, pattern or practice, Wyatt was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Joshua L. Fogleman

140. Joshua L. Fogleman (“Fogleman”) resides in Christiana, Tennessee (Rutherford County). Fogleman worked as a SM at a Tire Discounters location in Murfreesboro, Tennessee (Rutherford County) from approximately June 2015 through March 2016.

141. Fogleman regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

142. Pursuant to Tire Discounters’ policy, pattern or practice, Fogleman was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Robert T. Stamper

143. Robert T. Stamper (“Stamper”) resides in Lebanon, Ohio (Warren County). Stamper worked as a SM at a Tire Discounters location in Milford, Ohio (Clermont County) from approximately June 2013 through January 2015

144. Stamper regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

145. Pursuant to Tire Discounters’ policy, pattern or practice, Stamper was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Jeffrey L. Page

146. Jeffrey L. Page (“Page”) resides in Monroe, Ohio (Butler County). Page worked as a SM at a Tire Discounters location in West Chester, Ohio (Butler County) from approximately January 2013 through April 2014.

147. Page regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

148. Pursuant to Tire Discounters’ policy, pattern or practice, Page was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Timothy Jenks

149. Timothy Jenks (“Jenks”) resides in Lexington, Kentucky (Fayette County). Jenks worked as a SM at Tire Discounters locations in Lexington, Kentucky (Fayette County) and Frankfurt, Kentucky (Franklin County) from approximately December 2012 through December 2014.

150. Jenks regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

151. Pursuant to Tire Discounters’ policy, pattern or practice, Jenks was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Darren W. Edwards

152. Darren W. Edwards (“Edwards”) resides in Cold Spring, Kentucky (Campbell County). Edwards worked as a SM at a Tire Discounters location in Florence, Kentucky (Boone County) and Frankfurt, Kentucky (Franklin County) from approximately June 2012 through February 2013.

153. Edwards regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

154. Pursuant to Tire Discounters' policy, pattern or practice, Edwards was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Ronald R. Litton

155. Ronald R. Litton ("Litton") resides in Lexington, Kentucky (Fayette County). Litton worked as a SM at a Tire Discounters location in Lexington, Kentucky (Fayette County) from approximately 2013 until 2013.

156. Litton regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

157. Pursuant to Tire Discounters' policy, pattern or practice, Litton was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Timothy R. Wood

158. Timothy R. Wood ("Wood") resides in Xenia, Ohio (Greene County). Wood worked as a SM at a Tire Discounters location in Sharonville, Ohio (Butler County) from approximately May 2014 until September 2014 and at Tire Discounters location in Springfield, Ohio (Clark County) from approximately September 2014 until April 2015.

159. Wood regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

160. Pursuant to Tire Discounters' policy, pattern or practice, Wood was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Wesley A. Lowe

161. Wesley A. Lowe ("Lowe") resides in Taylor Mill, Kentucky (Kenton County). Lowe worked as a SM at a Tire Discounters location in Florence, Kentucky (Boone County) from approximately November 2012 through January 2013.

162. Lowe regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

163. Pursuant to Tire Discounters' policy, pattern or practice, Lowe was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Shaun P. O'Mara

164. Shaun P. O'Mara ("O'Mara") resides in Williamsburg, Ohio (Clermont County). O'Mara worked as a SM at Tire Discounters locations in Batavia, Ohio (Clermont County) and Cincinnati, Ohio (Hamilton County) from approximately 2010 until 2014.

165. O'Mara regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

166. Pursuant to Tire Discounters' policy, pattern or practice, O'Mara was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Stephen Moffett

167. Stephen Moffett ("Moffett") resides in Winchester, Kentucky (Adams County). Moffett worked as a SM at a Tire Discounters location in Winchester, Kentucky (Adams County) from approximately March 2015 until March 2016.

168. Moffett regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

169. Pursuant to Tire Discounters' policy, pattern or practice, Moffett was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Joshua G. Vance

170. Joshua G. Vance ("Vance") resides in Lebanon, Tennessee (Wilson County). Vance worked as a SM at a Tire Discounters location in Hendersonville, Tennessee (Sumner County) from approximately September 2015 through October 2016.

171. Vance regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

172. Pursuant to Tire Discounters' policy, pattern or practice, Vance was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Andre L. Thomas

173. Andre L. Thomas ("Thomas") resides in Louisville, Kentucky (Jefferson County). Thomas worked as a SM at a Tire Discounters location in Louisville, Kentucky (Jefferson County) from July 2013 until June 2014. Thomas worked as a SM at a Tire Discounters location in Mt. Washington, Kentucky (Bullitt County) from approximately June 2014 until March 2015.

174. Thomas regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

175. Pursuant to Tire Discounters' policy, pattern or practice, Thomas was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Lawrence Vankannel

176. Lawrence Vankannel ("Vankannel") resides in Pataskala, Ohio (Licking County). Vankannel worked as a SM at a Tire Discounters location in Columbus, Ohio (Franklin County) from approximately August 2013 until October 2013 and from approximately July 2014 until August 2014.

177. Vankannel regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

178. Pursuant to Tire Discounters' policy, pattern or practice, Vankannel was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Matthew D. Hines

179. Matthew D. Hines (“Hines”) resides in St. Cloud, Florida (Osceola County). Hines worked as a SM at a Tire Discounters location in Ohio from approximately April 5, 2013 until October 25, 2013.

180. Hines regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

181. Pursuant to Tire Discounters’ policy, pattern or practice, Hines was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Christopher Jones

182. Christopher Jones (“Jones”) resides in Cincinnati, Ohio (Hamilton County). Jones worked as a SM at a Tire Discounters location in Ohio from approximately March 2015 until October 2015.

183. Jones regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

184. Pursuant to Tire Discounters’ policy, pattern or practice, Jones was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff William D. Patrick

185. William D. Patrick resides in Campton, Kentucky (Wolfe County). William D. Patrick worked as a SM at Tire Discounters locations in Lexington, Kentucky (Fayette County), Richmond, Kentucky (Madison County), and Winchester, Kentucky (Clark Count) from approximately June 2013 through July 2014.

186. William D. Patrick regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

187. Pursuant to Tire Discounters' policy, pattern or practice, William D. Patrick was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Joe J. Venable

188. Joe J. Venable ("Venable") resides in Pickerington, Ohio (Fairfield County). Venable worked at Tire Discounters from approximately October 2013 until July 2014. Venable worked as a SM at a Tire Discounters location in Groveport, Ohio (Franklin County) from approximately November 2013 until December 2013.

189. Venable regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

190. Pursuant to Tire Discounters' policy, pattern or practice, Venable was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Brandon L. Pinson

191. Brandon L. Pinson ("Pinson") resides in Franklin, Ohio (Warren County). Pinson worked as a SM at a Tire Discounters location in Lebanon, Ohio (Warren County) from approximately September 2014 until February 2015.

192. Pinson regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

193. Pursuant to Tire Discounters' policy, pattern or practice, Pinson was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff William Arnold

194. William Arnold ("Arnold") resides in Cincinnati, Ohio (Hamilton County). Arnold worked as a SM at Tire Discounters locations in Sharonville, Ohio (Hamilton County) from approximately August 2011 until August 2012, and Fairfield, Ohio (Butler County) from approximately January 2013 until October 2016.

195. Arnold regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

196. Pursuant to Tire Discounters' policy, pattern or practice, Arnold was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff David B. Clark

197. David B. Clark ("Clark") resides in Richmond, Kentucky (Madison County). Clark worked as a SM at a Tire Discounters location in Kentucky in approximately August 2015.

198. Clark regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

199. Pursuant to Tire Discounters' policy, pattern or practice, Clark was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff John D. Gilbert

200. John D. Gilbert ("Gilbert") resides in Westerville, Ohio (Delaware County). Gilbert worked as a SM at a Tire Discounters location in Ohio from approximately September 2015 until May 2016.

201. Gilbert regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

202. Pursuant to Tire Discounters' policy, pattern or practice, Gilbert was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Brian W. Draman

203. Brian W. Draman ("Draman") resides in Hamilton, Ohio (Butler County). Draman worked as a SM at Tire Discounters locations in Cincinnati, Ohio (Hamilton County) and West Chester, Ohio (Butler County) from approximately January 2015 until July 2015.

204. Draman regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

205. Pursuant to Tire Discounters' policy, pattern or practice, Draman was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Craig W. Asbury

206. Craig W. Asbury ("Asbury") resides in Erlanger, Kentucky (Kenton County). Asbury worked as a SM at a Tire Discounters location in Kentucky from approximately December 2012 until August 2013.

207. Asbury regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

208. Pursuant to Tire Discounters' policy, pattern or practice, Asbury was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Marion S. Roberts

209. Marion S. Roberts ("Roberts") resides in Florence, Kentucky (Boone County). Roberts worked as a SM at a Tire Discounters location in Kentucky from approximately February 2014 until June 2014.

210. Roberts regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

211. Pursuant to Tire Discounters' policy, pattern or practice, Roberts was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Michael D. Malone

212. Michael D. Malone ("Malone") resides in Nashville, Tennessee (Davidson County). Malone worked as a SM at a Tire Discounters location in Tennessee from approximately September 2015 until October 2015.

213. Malone regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

214. Pursuant to Tire Discounters' policy, pattern or practice, Malone was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Kevin D. Myrick

215. Kevin D. Myrick ("Myrick") resides in Antioch, Tennessee (Davidson County). Myrick worked as a SM at a Tire Discounters location in Tennessee from approximately August 2015 until January 2016.

216. Myrick regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

217. Pursuant to Tire Discounters' policy, pattern or practice, Myrick was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff James D. Wright

218. James D. Wright ("Wright") resides in Goshen Township, Ohio (Clermont County). Wright worked as a SM at a Tire Discounters location in Ohio from approximately January 2014 until February 2015.

219. Wright regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

220. Pursuant to Tire Discounters' policy, pattern or practice, Wright was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Marcus L. Sewell

221. Marcus L. Sewell ("Sewell") resides in Mt. Washington, Kentucky (Bullitt County). Sewell worked as a SM at Tire Discounters locations in Mt. Washington, Kentucky

(Bullitt County) and Louisville, Kentucky (Jefferson County) from approximately May 2014 until May 2015.

222. Sewell regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

223. Pursuant to Tire Discounters' policy, pattern or practice, Sewell was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Zachary T. Adams

224. Zachary T. Adams resides in Florence, Kentucky (Boone County). Zachary T. Adams worked as a SM at a Tire Discounters location in Kentucky from approximately March 2015 until May 2015.

225. Zachary T. Adams regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

226. Pursuant to Tire Discounters' policy, pattern or practice, Zachary T. Adams was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Christopher R. Taylor

227. Christopher R. Taylor ("Taylor") resides in Georgetown, Kentucky (Scott County). Taylor worked as a SM at a Tire Discounters location in Kentucky from approximately December 2012 until March 2013.

228. Taylor regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

229. Pursuant to Tire Discounters' policy, pattern or practice, Taylor was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Daniel Miller

230. Daniel Miller (“Miller”) resides in Urbana, Ohio (Champaign County). Miller worked as a SM at a Tire Discounters locations in Columbus, Ohio (Franklin County) and Marysville, OH (Union County) from approximately 2012 until 2014.

231. Miller regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

232. Pursuant to Tire Discounters’ policy, pattern or practice, Miller was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Christopher Frey

233. Christopher Frey (“Frey”) resides in Hillard, Ohio (Franklin County). Frey worked as a SM at Tire Discounters locations in Hillard, Ohio (Franklin County), Marysville, Ohio (Union County) and Columbus, Ohio (Franklin County) from approximately August 2012 until June 2015.

234. Frey regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

235. Pursuant to Tire Discounters’ policy, pattern or practice, Frey was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Joseph Liwak

236. Joseph Liwak (“Liwak”) resides in Killeen, Texas (Bell County). Liwak worked as a SM at Tire Discounters locations in Mount Juliet, Tennessee (Wilson County), from approximately February 2015 until April 2015.

237. Liwak regularly worked over 40 hours in a workweek for Tire Discounters’ benefit during his employment as a SM.

238. Pursuant to Tire Discounters' policy, pattern or practice, Liwak was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

Plaintiff Bruce McManus

239. Bruce McManus ("McManus") resides in Cincinnati, Ohio (Hamilton County). McManus worked as a SM at Tire Discounters locations in Cincinnati, Ohio (Hamilton County), from approximately 2013 until October 2016.

240. McManus regularly worked over 40 hours in a workweek for Tire Discounters' benefit during his employment as a SM.

241. Pursuant to Tire Discounters' policy, pattern or practice, McManus was not paid proper compensation for all hours worked, including overtime compensation for all hours worked over 40 in a workweek.

The Defendant

242. Tire Discounters is an Ohio company with its principal place of business in Cincinnati, Ohio.

243. Defendant does business under the trade name or mark "Tire Discounters."

244. Defendant provides automotive maintenance, repair and related services to customers throughout the Midwest.

245. Defendant employed (or acted in the interest of an employer towards) Plaintiffs and (directly or indirectly) controlled and directed the terms of employment and compensation of Plaintiffs.

246. Defendant had the power to control the terms and conditions of employment of Plaintiffs including, without limitation, those terms and conditions relating to the claims alleged herein.

JURISDICTION AND VENUE

247. This Court has subject-matter jurisdiction over this action pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

248. This Court is also empowered to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202.

249. Defendant is subject to personal jurisdiction in Ohio.

250. Defendant is a covered employer within the meaning of the FLSA, and has had gross revenues exceeding \$500,000.00 for all relevant time periods.

251. Venue in this Court is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims alleged in this Complaint occurred in Franklin County, Fayette County, Licking County, Ross County, and Union County, Ohio, which are all within the Southern District of Ohio, Eastern Division's geographic assignment.

FACTUAL ALLEGATIONS

252. Throughout their employment with Tire Discounters, Plaintiffs consistently worked more than 40 hours per workweek.

253. Tire Discounters was aware that Plaintiffs worked more than 40 hours per workweek, yet Tire Discounters failed to pay them any overtime compensation for any of the hours worked over 40 in a workweek.

254. The primary duties of Plaintiffs were non-exempt.

255. The tasks that Plaintiffs regularly performed include but are not limited to:

- a. serving customers;
- b. answering customer inquiries;
- c. performing routine automotive maintenance and repair;
- d. sales;
- e. answering the phones;
- f. processing customer orders and payments;
- g. operating the register; and
- h. performing other, general customer service related duties.

256. Plaintiffs' primary job duties did not include:

- a. hiring, firing, promoting, or disciplining other employees;
- b. implementing management policies, practices, and procedures;
- c. committing Tire Discounters in matters having significant financial impact;
- d. setting employees' wages; or
- e. determining how many labor hours could be allocated to their store.

257. The primary duties of Plaintiffs did not differ substantially from the duties of non-exempt hourly paid employees.

258. Plaintiffs did not exercise a meaningful degree of independent discretion with respect to the exercise of their duties.

259. Plaintiffs did not have the discretion or authority to make any decisions with respect to matters of significance and were required to follow the policies, practices, and procedures set by Tire Discounters. Plaintiffs did not have any independent authority to deviate from these policies, practices, and procedures.

260. Store managers and district managers were responsible for the overall performance of the stores.

FIRST CAUSE OF ACTION

Fair Labor Standards Act – Unpaid Overtime Wages by Each Plaintiff

261. Plaintiffs reallege and incorporate by reference the allegations in the preceding Paragraphs as if they have been set forth herein.

262. Tire Discounters has engaged in a widespread pattern and practice of violating the FLSA, as described in this Complaint.

263. At all relevant times, Plaintiffs were engaged in commerce and/or the production of goods for commerce within the meaning of 29 U.S.C. §§ 206(a) and 207(a).

264. The overtime wage provisions set forth in §§ 201 *et seq.* of the FLSA apply to

Tire Discounters.

265. Tire Discounters is an employer engaged in commerce and/or the production of goods for commerce within the meaning of 29 U.S.C. §§ 206(a) and 207(a).

266. At all times relevant, Plaintiffs were employees within the meaning of 29 U.S.C. §§ 203(e) and 207(a).

267. Tire Discounters has failed to pay Plaintiffs the overtime wages to which they were entitled under the FLSA.

268. Tire Discounters' violations of the FLSA, as described in this Complaint, have been willful and intentional. Tire Discounters has failed to make a good faith effort to comply with the FLSA with respect to its compensation of Plaintiffs.

269. Because Tire Discounters' violations of the FLSA have been willful, a three-year statute of limitations applies, pursuant to 29 U.S.C. § 255, and as it may be tolled or extended by agreement, equity or operation of law.

270. As a result of Tire Discounters' willful violations of the FLSA, Plaintiffs have suffered damages by being denied overtime wages in accordance with 29 U.S.C. §§ 201, *et seq.*

271. As a result of the unlawful acts of Tire Discounters, Plaintiffs have been deprived of overtime compensation and other wages in amounts to be determined at trial, and are entitled to recovery of such amounts, liquidated damages, prejudgment interest, attorneys' fees, costs and other compensation pursuant to 29 U.S.C. § 216(b).

SECOND CAUSE OF ACTION

Ohio Wage and Hour Law – Unpaid Wages by Each Ohio Plaintiff

272. The Ohio Plaintiffs reallege and incorporate by reference the allegations in the preceding Paragraphs as if they have been set forth herein.

273. Tire Discounters has engaged in a widespread policy, pattern, or practice of violating the Ohio Wage and Hour Law, as detailed in this Complaint.

274. At all times relevant, the Ohio Plaintiffs have been employees and Defendant has

been an employer within the meaning of the OMWA. The Ohio Plaintiffs are covered by the OMWA.

275. Defendant employed the Ohio Plaintiffs as an employer, as further alleged herein.

276. Tire Discounters' unlawful conduct, as described in this Complaint, was willful and/or in reckless disregard of the OMWA, and was done pursuant to Tire Discounters' centralized, company-wide policy, pattern and/or practice of attempting to minimize labor costs by misclassifying the Ohio Plaintiffs as exempt but requiring them to perform non-exempt duties as their primary duties.

277. As part of its regular business practice, Tire Discounters has intentionally, willfully, and repeatedly engaged in a pattern, practice, and/or policy of violating the OMWA with respect to Ohio Plaintiffs.

278. During the course of the Ohio Plaintiffs' relevant statute of limitations as it may have been tolled or extended by agreement, equity or operation of law from December 8, 2013 through present, Tire Discounters failed to post or keep posted a notice explaining the minimum wage and overtime wage requirements, as required under the OMWA. Tire Discounters' failure to post or keep posted a notice explaining the minimum wage and overtime wage laws was willful or in reckless disregard of the rights of the Ohio Plaintiffs.

279. Due to the foregoing as alleged in the preceding Paragraphs, Tire Discounters' failure to pay overtime wages for work performed by the Ohio Plaintiffs in excess of 40 hours per workweek was willful and has been widespread, repeated and consistent.

280. Tire Discounters' violations of the OMWA, as described in this Complaint, have been willful and intentional.

281. Due to Tire Discounters' violations of the OMWA, the Ohio Plaintiffs are entitled to recover from Tire Discounters the relief requested herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs each pray for the following relief:

- A. Unpaid wages and liquidated damages in the maximum amount allowed by 29 U.S.C. §§ 201 *et seq.* and the supporting United States Department of Labor regulations and the employer's share of FICA, FUTA, state unemployment insurance and any other required employment taxes;
- B. Pre- and post-judgment interest;
- C. Attorneys' fees and costs of the action, including expert fees; and
- D. Such other relief as this Court deems just and proper.

WHEREFORE, the Ohio Plaintiffs each pray for the following relief:

- A. A declaratory judgment that the practices complained of herein are unlawful under the OMWA;
- B. Appropriate equitable and injunctive relief to remedy Defendant's violations of the OMWA, including but not necessarily limited to an order enjoining Defendant from continuing its unlawful practices;
- C. An award of damages (including but not limited to unpaid wages and unpaid overtime wages, as applicable), appropriate statutory penalties, the employer's share of FICA, FUTA, state unemployment insurance and any other required employment taxes and restitution to be paid by Tire Discounters according to proof;
- D. An award of "damages" and attorney's fees under R.C. 4111.14(J);
- E. Pre- and post-judgment interest;
- F. All penalties provided by law;
- G. Attorneys' fees and costs of this action, including expert fees; and
- H. Such other relief as this Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, each Plaintiff demands a trial by jury on all questions of fact raised by this Complaint.

Respectfully submitted,

s/ Drew Legando

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